

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 25-29, 2003

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-25	OPP OPP (SJ)	117,294 118,064	Valentino Couture, Inc. v. Vantage Custom Classics, Inc.	Simms Chapman Holtzman*	whether applicant is precluded by the terms of a prior settlement agreement from applying to register its marks	Opposer's motion for summary judgment granted in both cases; applicant allowed 20 days to file express abandonments of its two applications	"V" (and oval design) [<i>a variety of clothing and accessory items</i>]	"V" (and design) [all purpose athletic bags, all purpose sport bags, barrel bags, school book bags, and tote bags, all made of leather and cloth; custom embroidered sportswear, namely, men's and women's shirts, sweaters, vests, jackets, warm-up pants, shorts, bathrobes, sweatshirts, and caps, <i>etc.</i>] and "VANTAGE" (plus "V" and design) [stadium blankets; sportswear, namely, men's and women's golf shirts, rugby shirts, cardigans, sweaters, vests, jackets, warm-up pants, shorts, bathrobes, t-shirts, sweatshirts, golf caps and baseball caps]			No
8-26	EX	76/243,647	Northrop Grumman Corp.	Chapman Rogers* Drost	Section 6 disclaimer requirement (of the words VIRGINIA ADVANCED SHIP-BUILDING AND CARRIER INTEGRATION CENTER)	Refusal Affirmed		"VASCIC VIRGINIA ADVANCED SHIPBUILDING AND CARRIER INTEGRATION CENTER" (and design) [engineering, testing and design services in the field of naval shipbuilding; research and development in the field of naval shipbuilding]		Mattessich	No

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8-26	EX	76/348,794	Time-Sharing Today, LLC	Seeherman Rogers* Drost	2(e)(1)	Refusal Affirmed		"TIMESHAREXPO" [advertising vacation timeshares on the Internet for others by means of an informational website]		McBride	No
8-26	EX	76/279,718	Grange Insurance Assn.	Cissel* Seeherman Rogers	2(d)	Refusal Affirmed		"GRANGE INSURANCE GROUP" [property and casualty insurance underwriting services]	<i>4 cited registrations, all owned by the same entity:</i> "GRANGE LIFE INSURANCE" (plus "G" and design) [life insurance underwriting services]; "GRANGE INSURANCE" (plus "G" and design) [insurance underwriting services in the field of property, casualty, life, accident and health]; "GRANGE LIFE INSURANCE YOUR PARTNER IN PROTECTION" (plus "G" and design) [life insurance underwriting services]; "GRANGE INSURANCE YOUR PARTNER IN PROTECTION" (plus "G" and design) [insurance underwriting services, namely, property, casualty, life, accident and health insurance underwriting]	E. Martin	No

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8-26	EX	75/719,063	Cogent Investment Operations Ltd.	Simms Cissel* Holtzman	2(d)	Refusal Affirmed		"COGENT" [administration and brokerage of retail financial commercial products, namely, stocks, bonds, mutual funds, consumer loans, and student loans]	"COGENT" [business consulting services; financial consulting services]	Hickey	No
8-26	EX	78/074,052	AGE, Bodegas Unidas, S.A.	Hanak Hohein Drost*	2(d)	Refusal Affirmed		"SIGLO" [wines]	"SIGLO DE ORO" (in a design format) [rum]	Blandu	No
8-26	EX	75/859,872	Intel Corp.	Hanak Bucher Drost*	Section 6 disclaimer requirement (of the word NET-STRUC-TURE)	Refusal Reversed		"INTEL NETSTRUCTURE" [computer hardware; routers; hubs; servers; switches; integrated circuits; computer firmware, namely, computer operating systems software; fixed function servers; computer networking hardware; semiconductor devices; computer hardware and software for creating, facilitating, and managing remote access to and communication with local area networks (LANs), virtual private networks (VPNs), wide area networks (WANs) and global computer networks; router, switch, hub and server operating software; <i>etc.</i>]		Thompkins	No

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8-26	OPP	106,208	HealthFirst, Inc. v. Greenville Hospital System	Seeherman Holtzman Drost*	2(d)	Opposition Dismissed	"HEALTHFIRST" (and design) <i>and</i> "HEALTHFIRST WHERE THE CARE STARTS" (and design) [health care services]	"HEALTHFIRST" [providing health care benefit plans for others, hospital management, medical cost management, medical referrals, <i>etc.</i> ; insurance administration, administration of employee benefit plans, administration of pre-paid health care plans and preferred provider plans, underwriting insurance for pre-paid health care, <i>etc.</i> ; health clubs and physical fitness instruction; health care in the nature of HMOs, providing health and medical information, <i>etc.</i>]			No
8-28	EX	76/254,679	Spy Optic, Inc.	Cissel Bucher*	2(d)	Refusal Affirmed		"SPY" (and design) [wearing apparel, namely, shirts, shorts, pants, sweatshirts, sweatpants, hats, visors, shoes, sandals, and belts]	"FASHION SPY!" [clothing, namely, tops, skirts, shorts, skorts, pants, shirts, dresses, jumpers, jackets]	Zak	No
8-29	CANC	30,920	Cottee Dairy Products Pty Ltd. v. U.S. Foods & Pharmaceuticals, Inc.	Cissel* Hairston Bucher	abandonment; proof of standing	Petition to Cancel Denied	"DAIRYCAL" and "DAIRYCAL MILK CALCIUM" [pharmaceutical substances; infants' and invalids' foods; vegetable and meat extracts; dairy products; food supplements; <i>etc.</i>]	"DARI CAL" [nutritional milk mineral supplements, namely, a purified powdered form of milk minerals extracted from whey permeate and/or whey and de-lactosed whey permeate e]			No

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8-29	EX	75/344,125	Woodflame Inc.	Cissel* Hohein Bottorff	Section 6 disclaimer requirement (of the words WOOD-FLAME GRILL)	Refusal Affirmed		"WOODFLAME GRILL" (and design) [fuel oil, wood chips for use as fuel; cooking, grilling, and barbecuing apparatus using generally wood fuel, namely, barbecue grill, smoker, camp wood burning stove, wood burning stove, outdoor wood burning heater, hot water heater, fish grill, bread grill and electric hot plates]		Sonneborn	No
8-29	EX EX EX	75/714,344 75/714,345 75/754,818	Stephen Dossick, M.D.	Cissel* Hairston Walters	2(e)(1) [descriptive-ness or mis-descriptive-ness]; 2(e)(2); 2(e)(3)	Refusal Affirmed in all three cases but based only on 2(e)(1) descriptiveness and 2(e)(2)		"MP3JAPAN" and "MP3NEWYORK" [both marks for providing on-line magazines, newsletters, directories and books (<i>in various fields</i>); providing search engines for obtaining data on a global computer network (<i>in various fields</i>); providing on-line computerized databases (<i>in various fields</i>)]; "MP3NEWYORK" [broadcasting programs via a global computer network; providing on-line chat rooms and on-line electronic bulletin boards for transmission of messages among computer users (<i>concerning various fields</i>)]		Golden	No

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8-29	EX	75/853,926	Old European Brewing Co.	Cissel* Walters Drost	2(e)(2)	Refusal Affirmed		"NEDERLAND" [beer]		DuBois	No
8-29	EX	76/223,029	Neways, Inc.	Cissel* Hohein Walters	2(d)	Refusal Affirmed		"PROMEGA" [herbal weight loss supplement]	"PROOMEGA" [natural dietary omega-3 fish oil supplement, derived from fish]	Brown	No
8-29	EX	76/330,586	Teknor Apex Co.	Hohein Hairston* Bottorff	whether applicant's mark has acquired distinctive-ness under Section 2(f)	Refusal Affirmed		"SOIL SOAKER" [garden hose]		W. K. Price	No
8-29	EX	76/040,747	Concurrent Technologies Corp.	Cissel* Hohein Rogers	2(d)	Refusal Reversed		"CONCURRENT TECHNOLOGIES CORPORATION" [programming services, namely, detection and correction of software bugs, viruses and flaws; computer software design and modification for others; computer consulting in the field of web pages and global computer networks; web site design, creation, hosting and maintenance; design, configuration and administration of computers and computer networks]	"CONCURRENT COMPUTER" (and design) [computer systems, sold as a unit or individual parts, comprising computer hardware, computer software, <i>etc.</i> ; manuals, <i>etc.</i> related to computer systems, <i>etc.</i> ; repair, maintenance, and installation services of computer systems, <i>etc.</i> ; training services concernin g computer systems, <i>etc.</i> ; consulting and design services relating to systems integration and to use of computer systems, <i>etc.</i>]	Chicoski	No

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8-29	EX	78/077,135	Dial Brands, Inc.	Cissel* Seeherman Bucher	2(d)	Refusal Affirmed		"TROPICAL ESCAPE" [personal care products, namely, hand and body soap in bar and liquid form, body wash, hand and body lotions and moisturizers, body scrubs, defoliators, facial cleansers, facial cleansing wipes, body deodorants and antiperspirants, and body sprays]	"TROPICAL ESCAPE" [candles]	Blandu	No
8-29	EX	75/366,565	WebLink Wireless, Inc.	Cissel* Bucher Bottorff	whether applicant's specimen shows use of its mark in connection with its recited services	Refusal Reversed		"PACKFAST" [data and voice communications services, namely, providing paging and voice messaging services and services related to the activation and use of message pagers and personal communication systems]		Baird	No
8-29	EX	76/273,529	Zuffa, LLC	Cissel* Hanak Holtzman	2(e)(1); requirement for information under Rule 2.61(b); whether applicant's specimens show use of its mark on its recited goods	Refusal Affirmed under 2(e)(1) and Rule 2.61(b)		"ULTIMATE FIGHTING CHAMPIONSHIP" [<i>a variety of products in Class 28</i>]		L. Dalier	No

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8-29	OPP	124,502	Consac Industries, Inc. v. Forest Essentials	Cissel* Chapman Walters	2(d)	Opposition Sustained	"DESERT ESSENCE" [bar soap, hair shampoos and conditioners, bath gels, body lotions, <i>and other personal care products</i>]	"DESERT ESSENTIALS" [bar soap, hair shampoos and conditioners, bath gels, body lotions, and personal gift sets comprising the above-named products]			No

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